

**ORIGINAL**

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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

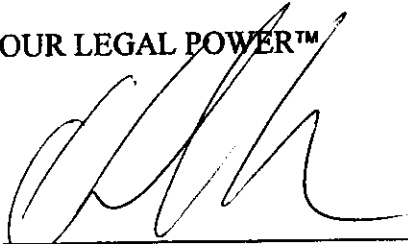
<p>CARMEN NITESCU,            Plaintiff,            vs.            STRYKER CORPORATION, a business form          unknown; HOWMEDICA OSTEONICS          CORPORATION, a business form unknown, a          wholly owned subsidiary of STRYKER          CORPORATION, a business form unknown;          HOWMEDICA OSTEONICS CORPORATION,          a business form unknown dba STRYKER          ORTHOPAEDICS, a wholly owned subsidiary of          STRYKER CORPORATION, a business form          unknown; DOES 1 through 100, inclusive,            Defendants.</p>	<p>CASE NO. CV-S-05-0774-KJD-GWF</p> <p><b>STIPULATION AND ORDER TO          DISMISS WITH PREJUDICE</b></p>
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IT IS HEREBY STIPULATED AND AGREED by and among CARMEN NITESCU ("Plaintiff") and STRYKER CORPORATION and HOWMEDICA OSTEONICS CORPORATION (formerly d/b/a "Stryker Orthopaedics"), that this matter can and should be dismissed with prejudice against refiling in its entirety. Each side will bear its own costs and attorneys' fees. Pursuant to Fed.R.Civ.P. 41(a)(1), no further Order of the Court is needed to effectuate this dismissal.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of October, 2005.

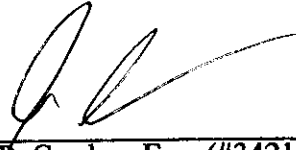
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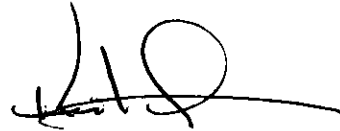
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**ORDER**

IT IS SO ORDERED this 17<sup>th</sup> day of October, 2005.



UNITED STATES DISTRICT JUDGE  
UNITED STATES MAGISTRATE JUDGE

Submitted by:  
McDonald Carano Wilson LLP



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